

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SCOTT LEE SMITH,

Plaintiff,

CASE NO. 17-13367

HON. MARIANNE O. BATTANI

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Scott Lee Smith brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying his application for Supplemental Security Income benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. The case was referred to Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636(b)(1)(B), to review the final decision.

The parties filed cross-motions for summary judgment, and Defendant filed a notice of supplemental authority. In a Report and Recommendation ("R&R") dated October 26, 2018, Magistrate Judge Morris recommended that Defendant's motion be granted and that Plaintiff's motion be denied. In her R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (ECF No. 21 at 30-31).

Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Plaintiff's Motion for Summary Judgment, **GRANTS** Defendant's Motion for Summary Judgment, and **AFFIRMS** the Commissioner's decision. Plaintiff's Complaint is **DISMISSED** in its entirety.

IT IS SO ORDERED.

Date: February 20, 2019

s/Marianne O. Battani

MARIANNE O. BATTANI

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on February 20, 2019.

s/ Kay Doaks

Case Manager